

## **REMARKS**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed October 19, 2004.

Claims 1-21 were originally presented. Claims 1-16 remain in the application, while claims 17-21 have been previously canceled without prejudice. Claims 22 and 23 are new.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-16 (including independent claims 1 and 10) were rejected under 35 U.S.C. § 102(b) as being anticipated by Carter et al (USPN 4,695,058).

#### **Claim 1**

Claim 1 recites:

1. (original) A method of playing a game, comprising:

applying at least one display strip to at least one player, wherein the display strip comprises a plurality of lights, and *wherein the lights are capable of displaying images*;

receiving input from at least one player;

providing output signals to the display strip; and

*displaying images on the display strip.*

Regardless of whether the Carter reference discloses the other limitations of claim 1, which is not conceded, the Carter reference fails to disclose a display strip comprising a plurality of lights wherein the lights are capable of displaying images. The examiner points to Figs. 1-11, col. 2:1-58, col. 3:36-67, col. 4:1-67, and col. 5:1-58, but none of those sections support the

proposition that Carter discloses display strips with a plurality of lights capable of displaying images.

The cited portions of Carter refer to lights in only two settings. The first setting is a group of infrared LEDs in a player's helmet which transmit a pulse coded signal unique to each player (col. 4:5-15). This group of "lights" should not be considered as displaying an image because the emitted light falls outside the visible spectrum and cannot be appreciated by human eyes.

Carter also discloses a second group of LEDs in a player's helmet which illuminate for ten seconds after a hit has been scored, indicating to a player and his teammates that he has been "shot." The LEDs are colored to indicate to which team the player belongs (col. 4:41-57). However, Carter does not disclose that this group of LEDs displays any type of image. While it may be true that the LEDs provide useful information to the player by illuminating and thus indicating that he has been shot, it cannot be said that the mere illumination of the entire monochromatic bank of lights forms an image. For an image to be formed it is generally required that there be some kind of color contrast between lights in the display or modulation of the lights composing the display on an individual basis. For example, a computer monitor with every pixel illuminated and no color contrast between pixels or modulation of individual pixels in the display (i.e. a stationary blue screen) would be described as "blank" because it displays no image. By the same reasoning, the illuminated lights in the player's helmet, with no color contrast between any of the lights in the group or any modulation of individual lights in the group, do not display an image.

Therefore, the applicant submits that claim 1, as presented, is not anticipated by Carter. The rejection of claim 1 should be reconsidered and withdrawn.

Claim 10

Claim 10 recites:

A game, comprising:

a processor;

at least one display strip in communication with the processor, wherein the display strip includes a plurality of lights, *wherein the lights are capable of displaying images*;

a mounting structure capable of mounting the display strip on a player; and

*a display in communication with the processor.*

Like claim 1, claim 10 similarly recites display strips comprising a plurality of lights wherein the lights are capable of displaying images. Thus, applicant submits that claim 10 is not anticipated by Carter for at least the same reasons as set forth above with respect to claim 1.

Claim 10 additionally recites a separate display in communication with the processor (see the last element of claim 10). The recited display could, for example, be the primary monitor of a gaming console while the display strip serves a secondary role in providing additional game information. The examiner has not cited to any portion of Carter that discloses an additional display in communication with the processor that drives the display strip. Indeed, Carter makes no such disclosure. Thus, the examiner has not made a prima facie case of anticipation with respect to claim 10.<sup>3</sup>

Therefore, the applicant submits that claim 10, as presented, is not anticipated by Carter. The rejection of claim 10 should be reconsidered and withdrawn.

### Claims 2-9 and 11-16

Claims 2-9 and 11-16 each depend from and include the limitations of at least one of independent claims 1 and 10. Thus, rejection of claims 2-9 and 11-16 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claims.

### **New Claims**

Claim 22 recites a flexible display strip. Claim 23 recites that the images displayed on display strips are alphanumeric. Both new claims are written in dependent form and are patentable for at least the same reasons as set forth with respect to the corresponding independent claim.


## CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-16, 22, and 23 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Vaughn North at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

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Respectfully submitted,

  
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